



# ***CLERK'S BOARD SUMMARY***

## **REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS**

**TUESDAY  
April 10, 2018**

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**06-18**

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**GMA:gma**

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Government Center at Fairfax, Virginia, on Tuesday, April 10, 2018, at 9:31 a.m., there were present:

- Chairman Sharon Bulova, presiding
- Supervisor John C. Cook, Braddock District
- Supervisor John W. Foust, Dranesville District
- Supervisor Penelope A. Gross, Mason District
- Supervisor Patrick S. Herrity, Springfield District
- Supervisor Catherine M. Hudgins, Hunter Mill District
- Supervisor Jeffrey C. McKay, Lee District
- Supervisor Kathy L. Smith, Sully District
- Supervisor Linda Q. Smyth, Providence District
- Supervisor Daniel G. Storck, Mount Vernon District

Others present during the meeting were Bryan J. Hill, County Executive; Elizabeth Teare, County Attorney; Catherine A. Chianese, Assistant County Executive and Clerk to the Board of Supervisors; Angela Schauweker, Management Analyst II, Office of the County Executive; Ekua Brew-Ewool, Kecia Kendall, and Dianne E. Tomasek, Administrative Assistants, Office of the Clerk to the Board of Supervisors.

**BOARD MATTERS**1. **MOMENT OF SILENCE** (9:33 a.m.)

Supervisor Gross asked everyone to keep in thoughts the family of Ms. Connie Lawn, who recently died. Ms. Lawn was the longest serving member of the White House press corps and authored the book, *You Wake Me Each Morning*, which documented her lifetime of broadcasting news events around the world.

Supervisor Foust asked everyone to keep in thoughts the family of Mr. Jeff Davidson, who recently died. Mr. Davidson was serving his first term as a council member of the Town of Herndon. He was a dedicated public servant and volunteer who worked to improve the quality of life in his community.

Supervisor Hudgins asked everyone to keep in thoughts the family of Ms. Ellen Graves, who recently died. Ms. Graves was a past president of the Reston Association, a member of the South Gate Community Center, and a member of the Reston Historic Trust. Ms. Graves also established the Reston Multicultural Festival.

**AGENDA ITEMS**2. **PROCLAMATION DESIGNATING APRIL 12, 2018, AS "HOLOCAUST REMEMBRANCE DAY" IN FAIRFAX COUNTY** (9:39 a.m.)

Supervisor Gross moved approval of the Proclamation designating April 12, 2018, as "*Holocaust Remembrance Day*" in Fairfax County and urged all residents to rededicate themselves to not bear silent witness to injustice and always remain vigilant to the principles of individual freedom in a just society. Chairman Bulova and Supervisor Herrity jointly seconded the motion and it carried by unanimous vote.

Chairman Bulova announced that State Delegate Eileen Filler-Corn and Cathy Connolly, the wife of Gerry Connolly, US Congressman and former Chairman of the Fairfax County Board of Supervisors, were present for the Proclamation and warmly welcomed them to the Board Auditorium.

3. **CERTIFICATE OF RECOGNITION PRESENTED TO THE DEPARTMENT OF TAX ADMINISTRATION (DTA)** (9:54 a.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved approval of the Certificate of Recognition presented to DTA for its efforts and efficient response during the "Pre-Payment Avalanche." Supervisor McKay and Supervisor Herrity jointly seconded the motion and it carried by unanimous vote.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

4. **PROCLAMATION DESIGNATING MAY 2018 AS “ASIAN/PACIFIC AMERICAN HERITAGE MONTH” IN FAIRFAX COUNTY** (10:13 a.m.)

Supervisor Storck moved approval of the Proclamation designating May 2018 as "*Asian/Pacific American Heritage Month*" in Fairfax County and urged all residents to recognize the history, contributions, and achievements of Asian/Pacific Americans and to create a favorable climate for a harmonious and fully integrated community in the County. Supervisor Foust seconded the motion and it carried by unanimous vote.

5. **PROCLAMATION DESIGNATING APRIL 2018 AS “SEXUAL ASSAULT AWARENESS MONTH” IN FAIRFAX COUNTY** (10:23 a.m.)

Supervisor Cook moved approval of the Proclamation designating April 2018 as "*Sexual Assault Awareness Month*" in Fairfax County and urged all residents to increase their knowledge about sexual violence and spread awareness of this issue. Supervisor McKay and Supervisor Gross jointly seconded the motion and it carried by unanimous vote.

6. **PROCLAMATION DESIGNATING APRIL 2018 AS “CHILD ABUSE AWARENESS MONTH” IN FAIRFAX COUNTY** (10:36 a.m.)

Supervisor Cook moved approval of the Proclamation designating April 2018 as "*Child Abuse Awareness Month*" in Fairfax County and urged all residents to recognize the importance of families and communities working together to prevent child abuse. Supervisor McKay seconded the motion and it carried by unanimous vote.

7. **PROCLAMATION DESIGNATING MAY 6-12, 2018, AS “NURSES WEEK” IN FAIRFAX COUNTY** (10:47 a.m.)

Supervisor Gross moved approval of the Proclamation designating May 6-12, 2018, as "*Nurses Week*" in Fairfax County to raise awareness of nursing and its vital role in the community. Supervisor K. Smith seconded the motion and it carried by unanimous vote.

8. **PROCLAMATION DESIGNATING MAY 2018 AS “LYME DISEASE AND FIGHT THE BITE AWARENESS MONTH” IN FAIRFAX COUNTY** (10:57 a.m.)

Supervisor Herrity moved approval of the Proclamation designating May 2018 as "*Lyme Disease and Fight the Bite Awareness Month*" in Fairfax County and urged all residents to take actions to prevent and protect against mosquito and tick-borne illnesses. Supervisor L. Smyth seconded the motion and it carried by unanimous vote.

DET:det

9. **ADMINISTRATIVE ITEMS** (11:05 a.m.)

Supervisor Gross moved approval of the Administrative Items. Supervisor McKay seconded the motion.

Supervisor L. Smyth called the Board's attention to Admin 2 – Authorization to Advertise a Public Hearing Regarding the Acquisition of Certain Land Rights Necessary for the Construction of TMSAMS – Scotts Run Walkway and noted that the County had been working on this a long time.

Supervisor Cook called the Board's attention to Admin 6 – Authorization for the Fairfax County Police Department (FCPD) to Apply for and Accept Grant Funding from the Virginia Department of Emergency Management (VDEM), Fiscal Year (FY) 2017 Supplemental Local Emergency Management Performance Grant (SLEMPG) Program and Admin 7 – Authorization for the Fairfax County Police Department (FCPD) to Apply for and Accept Grant Funding from the National Highway Safety Administration (NHTSA) Through the Virginia Department of Motor Vehicles (VDMV) Driving While Intoxicated Enforcement Initiative. He noted that the Board has expressed on numerous occasions that such items should come before the Board prior to the grant submission deadline, and if that is not possible, at the next meeting of the Board. Chairman Bulova noted that the County Executive will address the issue.

The question was called on the motion and it carried by unanimous vote, Supervisor Cook, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor K. Smith, Supervisor L. Smyth, Supervisor Storck, and Chairman Bulova voting "AYE."

**ADMIN 1 – DESIGNATION OF PLANS EXAMINER STATUS UNDER THE EXPEDITED LAND DEVELOPMENT REVIEW PROGRAM**

Designated the following individual, identified with a registration number, as a Plans Examiner:

- Melissa A. Emery (325)

**ADMIN 2 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING REGARDING THE ACQUISITION OF CERTAIN LAND RIGHTS NECESSARY FOR THE CONSTRUCTION OF TMSAMS – SCOTTS RUN WALKWAY (PROVIDENCE DISTRICT)**

(A) NOTE: Earlier in the meeting this item was discussed. See page #4.)

Authorized the advertisement of a public hearing to be held before the Board on **May 15, 2018, at 4 p.m.**, regarding the acquisition of certain land rights necessary

for the construction of Project 1400107-2013, TMSAMS – Scotts Run Walkway, Fund 50000, Federal-State Grant Fund.

**ADMIN 3 – EXTENSION OF REVIEWS FOR 2232 PUBLIC FACILITY REVIEW APPLICATIONS (MASON DISTRICT)**

Authorized the extension of review periods for the following Public Facility (2232) Review Applications to the dates noted:

<u>Application Number</u>	<u>Description</u>	<u>New Date</u>
2232-M17-37	Fairfax County Park Authority Green Springs Gardens 4603 Green Spring Road Alexandria, VA Mason District Accepted October 23, 2017 First Extension to April 23, 2018	Extend to October 23, 2018
2232-M17-43	County Board of Arlington County, Virginia Arlington County Bus Maintenance and Repair Facility 6701-6705 Electronic Drive Springfield, VA Mason District Accepted February 19, 2018	Extend to January 21, 2019

**ADMIN 4 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO ESTABLISH PARKING RESTRICTIONS ON DULLES TECHNOLOGY DRIVE (DRANESVILLE DISTRICT)**

- (A) Authorized the advertisement of a public hearing to be held before the Board on **May 1, 2018, at 4 p.m.**, to establish parking restrictions on Dulles Technology Drive.

**ADMIN 5 – APPROVAL OF TRAFFIC CALMING MEASURES AND INSTALLATION OF “\$200 ADDITIONAL FINE FOR SPEEDING” SIGNS AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (RTAP) (LEE AND SULLY DISTRICTS)**

- (R)
- Endorsed the following traffic calming measure:
    - Two speed humps on Essex Avenue (Lee District)
  - Authorized the installation of “\$200 Additional Fine for Speeding” signs on the following road:

- Berryland Drive from Vale Road to its terminus (Sully District)

**ADMIN 6 – AUTHORIZATION FOR THE FAIRFAX COUNTY POLICE DEPARTMENT (FCPD) TO APPLY FOR AND ACCEPT GRANT FUNDING FROM THE VIRGINIA DEPARTMENT OF EMERGENCY MANAGEMENT (VDEM), FISCAL YEAR (FY) 2017 SUPPLEMENTAL LOCAL EMERGENCY MANAGEMENT PERFORMANCE GRANT (SLEMPG) PROGRAM**

(NOTE: Earlier in the meeting, this item was discussed. See page #4.)

Authorized FCPD to apply for and accept grant funding, if received, from VDEM, FY 2017 SLEMPG Program in the amount of \$59,992, including \$29,996 in Local Cash Match. Funding will be used to purchase Personal Protection Equipment (PPE) for the Civil Disturbance Unit (CDU), including helmets, fire retardant clothing, body armor, riot batons, supply bags, shields, lights, and communication equipment, as well as training.

**ADMIN 7 – AUTHORIZATION FOR THE FAIRFAX COUNTY POLICE DEPARTMENT (FCPD) TO APPLY FOR AND ACCEPT GRANT FUNDING FROM THE NATIONAL HIGHWAY SAFETY ADMINISTRATION (NHTSA) THROUGH THE VIRGINIA DEPARTMENT OF MOTOR VEHICLES (VDMV) DRIVING WHILE INTOXICATED ENFORCEMENT INITIATIVE**

(NOTE: Earlier in the meeting, this item was discussed. See page #4.)

Authorized FCPD to apply for and accept grant funding, if received, from the NHTSA through the VDMV Driving While Intoxicated Enforcement Initiative in the amount of \$1,672,750, including \$334,550 in Local Cash Match. Funding will continue to support nine existing merit police officer positions and one new merit Sergeant position for a total of ten merit positions, as well as uniforms, vehicles, equipment, supplies, training, and all related expenses for the FCPD Driving While Intoxicated Enforcement Team.

10. **A-1 – APPROVAL OF THE NORTHERN VIRGINIA LAW ENFORCEMENT MUTUAL AID AGREEMENT OF 2018** (11:08 a.m.)

Supervisor Cook moved that the Board concur in the recommendation of staff and authorize the Chief of Police and the County Executive to sign the Northern Virginia Law Enforcement Mutual Aid Agreement of 2018. Supervisor Gross seconded the motion.

Following an inquiry from Supervisor Foust, concerning the absence of the National Park Service from the agreement, Major Paul Cleveland, County Police

Department provided an explanation of the participants and the nature of the types of enforcement reciprocated, with additional input from Colonel Edwin C. Roessler, Chief of Police.

Discussion continued, regarding the recent shooting of a McLean resident by the US Park Police, with further input from Colonel Roessler concerning jurisdiction and a lack of information sharing.

Following additional comments by Supervisor Storck, concerning the George Washington Parkway and a safety study which should be concluded by the end of the year, the question was called on the motion and it carried by unanimous vote.

11. **A-2 – AUTHORIZATION TO EXECUTE A WATER QUALITY CREDIT EXCHANGE AGREEMENT BETWEEN THE UPPER OCCOQUAN SERVICE AUTHORITY (UOSA) AND ITS MEMBER JURISDICTIONS OF THE CITIES OF MANASSAS AND MANASSAS PARK, AND THE COUNTIES OF PRINCE WILLIAM AND FAIRFAX** (11:14 a.m.)

On motion of Supervisor Gross, seconded by Supervisor McKay, and carried by unanimous vote, the Board concurred in the recommendation of staff and authorized the County Executive to execute the agreement, substantially in the form of Attachment 1 of the Board Agenda Item.

12. **A-3 – APPROVAL OF A STANDARD PROJECT AGREEMENT WITH THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) FOR THE DAVIS DRIVE EXTENSION/DULLES TOLL ROAD OVERPASS PRELIMINARY ENGINEERING (DRANESVILLE DISTRICT)** (11:14 a.m.)

- (R) Following remarks regarding jurisdictional cooperative agreements, Supervisor Foust moved that the Board concur in the recommendation of staff and adopt the Resolution, substantially in the form of Attachment 1 of the Board Agenda Item, authorizing the Director of the Department of Transportation to execute a Project Administration Agreement with VDOT, substantially in the form of Attachment 2 of the Board Agenda Item, for the implementation of the project. Chairman Bulova seconded the motion and it carried by unanimous vote, Supervisor Cook, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor K. Smith, Supervisor L. Smyth, Supervisor Storck, and Chairman Bulova voting “AYE.”

13. **A-4 – APPROVAL OF A VARIATION REQUEST FOR REZONING APPLICATION RZ 2016-MV-011, ARTIS SENIOR LIVING OF FAIRFAX STATION LLC, TO INCREASE BUILDING HEIGHT BY 4.1 PERCENT ABOVE WHAT IS SHOWN ON THE GENERALIZED DEVELOPMENT PLAN (GDP) THAT WAS PROFFERED UNDER PROFFER NUMBER 1(A) (MOUNT VERNON DISTRICT)** (11:14 a.m.)

Chairman Bulova stated that there was an affidavit associated with this request. Ms. Angelina C. Rotella reaffirmed the validity of the affidavit for the record.

Suzanne Wright, Chief, Special Projects/Applications/Management Branch, Zoning Evaluation Division, Department of Planning and Zoning, gave a PowerPoint slide presentation depicting the request, site location, and staff recommendation.

Following an inquiry from Supervisor Gross regarding Attachment 2 of the Board Agenda Item, the Minor Variation Statement submitted by the applicant, with input from Ms. Wright, Ms. Rotella clarified for the record that the increase in building height is to forty feet and not forty inches.

In accordance with the Zoning Ordinance Section 18-204(5) and Virginia Code § 15.2-2302, Supervisor Storck moved that the Board waive the requirement for a public hearing and approve a minor variation of proffer 1(a) of Rezoning Application RZ 2016-MV-011 to increase the permitted building height by 4.1 percent above what is shown on the GDP as detailed in Action Item 4. Supervisor Foust seconded the motion and it carried by unanimous vote.

14. **I-1 – CONSOLIDATED PLAN CERTIFICATION FOR THE FAIRFAX COUNTY REDEVELOPMENT AND HOUSING AUTHORITY (FCRHA) MOVING TO WORK PLAN FOR FISCAL YEAR (FY) 2019** (11:22 a.m.)

The Board next considered an item contained in the Board Agenda announcing that the County Executive will sign the Certification of Consistency with the Consolidated Plan and provide it to the FCRHA for inclusion in the Moving to Work Plan for FY 2019 to be submitted to the US Department of Housing and Urban Development.

15. **I-2 – PLANNING COMMISSION (PC) ACTION ON APPLICATION 2232-B17-21 – DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL SERVICES (BRADDOCK DISTRICT)** (11:23 a.m.)

The Board next considered an item contained in the Board Agenda, announcing the PC's approval of application 2232-B17-21.

### **ADDITIONAL BOARD MATTERS**

**EBE:ebe**

16. **PRESENTATION REQUESTS** (11:23 a.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and asked unanimous consent that the Board direct staff to process the presentation requests

contained in her Board Matter titled “April 10, 2018, Presentations.” Without objection, it was so ordered.

Following are the presentation requests:

- Direct staff to prepare a proclamation in recognition of the Earth Day/Arbor Day celebration taking place this year during Springfest 2018. Springfest will be held at the Sully Historic Site on Saturday, April 21, rain or shine, from 10 a.m. until 4 p.m. A flyer describing the event is attached to her written Board Matter. During the celebration, the County will also receive the 2017 Tree City USA designation and a Tree City USA Growth Award. The Growth Award is given to communities that have demonstrated environmental improvement and higher levels of tree care while the designation is given to communities with viable tree management programs. 2017 marks the thirty-fifth year the County has been designated as a Tree City USA.
- The Health Department’s team of Environmental Health Specialists, who deployed to the US Virgin Islands, be recognized before the Board on July 31, 2018. Following the devastation left behind by Hurricanes Irma and Maria, five specialists deployed to the US Virgin Islands to help assist with inspecting food service establishments and other regulated facilities and provided education and training on sanitation, environmental health, and food safety.

17. **RESPONDING TO THE NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE (NAACP) RESOLUTION ON RACIAL HOSTILITY** (11:26 a.m.)

Chairman Bulova said that last month, the County NAACP sent a resolution on racial hostility to the Board and the School Board. The letter, attached to her Board Matter, is a draft response on behalf of the Board to the NAACP.

Chairman Bulova noted that, as she writes in the letter, much of what the NAACP is seeking is being addressed under the County’s One Fairfax policy. The letter includes the commitment of the Board and the School Board to breaking down barriers to success in the County. It also includes related efforts that preceded the adoption of One Fairfax and lays out the resources being allocated to One Fairfax-supportive initiatives in the Fiscal Year 2019 Advertised Budget.

Therefore, Chairman Bulova moved that the Board direct staff to send the letter attached to her written Board Matter to the NAACP in response to its resolution titled “Address the Current Political Environment of Racial Hostility.” Supervisor McKay seconded the motion and it carried by unanimous vote.

18. **ORDINANCE PROHIBITING CARRYING OF LOADED SHOTGUNS AND RIFLES IN CARS ON PUBLIC ROADS** (11:28 a.m.)

Chairman Bulova said that in early 2015, former Mount Vernon District Supervisor Gerry Hyland introduced a Board Matter directing staff to analyze a firearms safety authority granted to localities that had not yet been adopted by the County. This limited authority allows localities to adopt ordinances prohibiting the carrying of loaded shotguns and rifles in vehicles on public streets, roads, and highways, but exempts those who reasonably believe a loaded shotgun or rifle is necessary for his or her personal safety in the course of his or her employment or business. Violators would be subject to a maximum fine of no more than \$100. Further, according to this State law, such an ordinance may only become effective if the locality notifies the State Department of Game and Inland Fisheries before May 1st of the year in which the ordinance is to take effect. This authority has been in the Virginia Code since 1976 and has been adopted by a handful of localities around the State.

The County has consistently supported efforts by some General Assembly members to grant the Board the authority to prohibit the carrying of firearms on County property like the Government Center and RECenters. Absent any meaningful authority to restrict firearms, adopting gun safety measures like this prohibition can potentially assist the delegation in garnering support for more substantive legislation should any be considered.

Therefore, Chairman Bulova moved that the Board direct staff to:

- Analyze the pros and cons of implementing the authority granted by Virginia Code Section 15.2-915.2
- Review relevant sections of State Code and provide the Board with information regarding any other unused firearms safety authorities
- Set aside time on the agenda of the June Public Safety Committee meeting to discuss staff's analysis

Supervisor McKay seconded the motion.

Following a brief discussion, Supervisor Foust asked to amend the motion to direct staff to report with the pros and cons as well as a draft ordinance for review at the Public Safety Committee meeting so that the Board could act more quickly. This was accepted.

Supervisor L. Smyth asked unanimous consent that the Board direct staff to report with information on unusual situations where transporting a loaded shotgun or rifle could be acceptable. Without objection, it was so ordered.

Supervisor Herrity asked unanimous consent that the Board direct staff to report with information regarding situations where loaded shotguns and rifles in vehicles

have caused issues and how an ordinance would solve such issues. Without objection, it was so ordered.

Supervisor Storck asked unanimous consent that the Board direct staff to report with information regarding best practices on transporting loaded shotguns and rifles. Without objection, it was so ordered.

The question was called on the motion, as amended, and it carried by unanimous vote.

19. **FAIR HOUSING ACT** (11:38 a.m.)

Chairman Bulova announced that she circulated a flyer announcing the 2018 Annual Fair Housing Training and Luncheon Program, commemorating 50 years of the Fair Housing Act. She added that it will be held on Friday, April 20.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

20. **MOTION TO EXPEDITE/CONCURRENT PROCESSING FOR THE WOODLANDS RETIREMENT COMMUNITY (BRADDOCK DISTRICT)** (11:39 a.m.)

Supervisor Cook said that the Woodlands Retirement Community has filed a proffer condition amendment and a special exception amendment to construct 42 additional surface parking spaces at the existing independent living facility on the property identified as Tax Map Reference 56-2 ((1)) 61. The independent living facility is located south of Lee Highway at Forest Hill Drive and is developed in coordination with an adjacent medical care facility. The proposed parking spaces are necessary to accommodate existing residents and staff, which have increased based on operating and licensing requirements. The requested number of additional surface parking spaces does not exceed the number of surface parking spaces associated with the original approval. The applications are scheduled for a Planning Commission public hearing on July 12, 2018. In order to address the needs of its residents as soon as possible, the applicant has asked for consideration for concurrent processing of the site plan and scheduling of a public hearing before the Board on July 31, 2018, prior to the August recess.

Therefore, Supervisor Cook moved that the Board direct the staff to:

- Schedule Special Exception Amendment Application SEA 97-Y-035-02, concurrent with Proffered Condition Amendment Application PCA 1997-SU-027-02, for a public hearing to be held before the Board on July 31, 2018
- Accept for concurrent and simultaneous processing any site plans, architectural drawings, or other drawings as may be necessary in conjunction with the pending applications

This motion should not be construed as a favorable recommendation by the Board and does not relieve the applicant from compliance with the provisions of all applicable ordinances, regulations, or adopted standards. Supervisor Foust seconded the motion and it carried by unanimous vote.

21. **RECOGNIZING MAY 14-18 AS CONTINUITY AWARENESS WEEK**  
(11:40 a.m.)

Supervisor Cook said that the County continuity of operations program was created in 2009 with the formation of an advisory work group to respond to the spread of the Influenza A (H1N1) virus. The program has expanded to cover all County missions and has been recognized by the Federal Emergency Management Agency (FEMA) as an example of a best practice for state, territorial, tribal, and local government continuity of operations planning.

The ongoing maintenance of a continuity program, both in businesses and local governments, plays a large part in an effective resiliency capability. Businesses and government organizations of the County are encouraged to take steps to increase resiliency and reduce operational risks by becoming familiar with and engaging in continuity planning.

Therefore, Supervisor Cook asked unanimous consent that the Board proclaim the week of May 14-18 as “*Continuity Awareness Week*,” in Fairfax County. Without objection, it was so ordered.

22. **EXPEDITED PROCESSING FOR BOSTON PROPERTIES LIMITED PARTNERSHIP/RESTON GATEWAY (HUNTER MILL DISTRICT)**  
(11:42 a.m.)

Supervisor Hudgins said that Boston Properties Limited Partnership (the “Boston Properties” the “applicant”) have filed three concurrent rezoning applications Proffered Condition Amendment Application PCA 86-C-121-08, Development Plan Amendment Application DPA 86-C-121-05, Proffered Condition Amendment Application PCA 86-C-119-07, Development Plan Amendment Application DPA 86-C-119-03, and Planned Residential Community Application PRC 86-C-119-02 to permit an integrated mix of office, restaurant, hotel, and residential uses.

The proposal includes approximately 33.13-acres consisting of Parcels 17-3 ((01)) 29A, 17-3 ((01)) 29B, 17-3 ((01)) 5H1, and 17-3 ((01)) 0005 (collectively the “Property”). As part of the development, the applicant proposes an increase in gross floor area with office, retail, and residential uses. The applications will facilitate the extension of the existing Town Center Urban Core and will help achieve the County’s long-term vision of a high-density, transit-oriented development adjacent to the new Metrorail service opening in 2020.

The Planning Commission public hearing is scheduled for July 19, 2018, and given the time sensitive deadlines associated with Fannie Mae's lease to occupy nearly one million square feet in 2022, the applicant is requesting an expedited Board date.

Therefore, Supervisor Hudgins moved that the Board direct staff to expedite the scheduling of the Board's public hearing for Proffered Condition Amendment Application PCA 86-C-121-08, Development Plan Amendment Application DPA 86-C-121-05, Proffered Condition Amendment Application PCA 86-C-119-07, Development Plan Amendment Application DPA 86-C-119-03, and Planned Residential Community Application PRC 86-C-119-02 to July 31, 2018, at 3:30 p.m. This motion should not be construed as a favorable recommendation by the Board on the proposed applications and does not relieve the applicant from compliance with the provisions of all applicable ordinances, regulations, or adopted standards in anyway. Supervisor McKay seconded the motion and it carried by unanimous vote.

23. **RECOGNIZING THE FORMER COUNTY COMMISSION ON ORGAN AND TISSUE DONATION AND TRANSPLANTATION (COTD) ON ITS NEARLY 25 YEARS OF SERVICE** (11:45 a.m.)

Supervisor Hudgins said that COTD was created in 1994 to help:

- Coordinate resources in the community
- Promote awareness of organ and tissue donation and transplantation
- Educate the community about the organ and tissue donation process
- Increase the number of County organ and tissue donors

Supervisor Hudgins noted that when the COTD was first organized over 20 years ago, organ donor registration rates were low and community awareness lacking. Significant progress has been made in promoting awareness of organ and tissue transplantation and increasing the number of the County organ and tissue donors. Today, the County has the highest number of registered organ donors in both the region and the State.

Therefore, Supervisor Hudgins asked unanimous consent that the Board direct staff to prepare a proclamation to commemorate the accomplishments of the COTD for presentation to the former COTD on May 15, 2018. Without objection, it was so ordered.

24. **RECOGNITION FOR MS. MAUD ROBINSON (HUNTER MILL DISTRICT)** (11:45 a.m.)

Supervisor Hudgins said that Ms. Maud Robinson has been a fixture in the Town of Vienna for many years. She and her husband Charlie settled in Vienna around 1950, back when the maple trees on the side of the street met in the middle to create a canopy on Maple Avenue.

Ms. Robinson is known for tackling big issues that would impact the hometown feel of Vienna, from maple trees to creating a community center and public library. It has been said she started half of the community organizations in Vienna.

Supervisor Hudgins noted that Ms. Robinson enjoyed many terms as Vienna's "First Lady" during her husband Charlie's tenure as mayor. However, Ms. Robinson found her own spotlight when she assumed her seat on the Town Council, serving as a council member from 2000 to 2009.

Supervisor Hudgins said that on Tuesday, April 17, the Town of Vienna will recognize Ms. Robinson for her long years of service at the Mayor's Volunteer Reception.

Therefore, Supervisor Hudgins asked unanimous consent that the Board direct the Office of Public Affairs prepare a resolution, with dual signatures, to recognize Ms. Robinson for her contributions and years of service to both the Town of Vienna and the County, for presentation at the Town of Vienna Volunteer Recognition ceremony on April 17, 2018. Without objection, it was so ordered.

**KK:kk**

25. **PLAN AMENDMENT AUTHORIZATION MCLEAN COMMUNITY BUSINESS CENTER (CBC) (DRANESVILLE DISTRICT)** (11:48 a.m.)

Supervisor Foust said that the CBC has long been planned to serve as a focal point for residents, with a mix of residential and community-serving commercial uses. It is centered at the intersection of Chain Bridge Road and Old Dominion Drive and is bordered by stable residential neighborhoods. The 230-acre CBC is geographically coincident with that of the McLean Commercial Revitalization District, one of seven such revitalization districts in the County. The last significant review of the Comprehensive Plan recommendations for the CBC occurred over 20 years ago. There is a strong desire in the community to encourage revitalization efforts and create a "sense of place" in the CBC by updating the Plan.

Therefore, in an effort to advance revitalization efforts, Supervisor Foust moved that the Board authorize a Comprehensive Plan amendment for the McLean CBC. The Plan amendment should include community outreach and consider:

- Land use, density, and mix of uses
- Transportation and other public facility needs

- Revisions to urban design guidance and open space design standards

Supervisor L. Smyth seconded the motion and it carried by unanimous vote.

26. **CONCURRENT AND EXPEDITED PROCESSING FOR STANLEY MARTIN COMPANIES, LLC/DULLES TECHNOLOGY CENTER PROFFERED CONDITION AMENDMENT APPLICATION PCA 2017-DR-014, CONCEPTUAL DEVELOPMENT PLAN AMENDMENT APPLICATION CDPA 2017-DR-014/FINAL DEVELOPMENT PLAN AMENDMENT APPLICATION FDPA 2017-DR-014 (DRANESVILLE DISTRICT)** (11:49 a.m.)

Supervisor Foust said that Stanley Martin Companies, LLC, has filed three concurrent rezoning applications: Proffered Condition Amendment Application PCA 2017-DR-014; Conceptual Development Plan Amendment Application CDPA 2017-DR-014; and Final Development Amendment Application FDPA 2017-DR-014 to add the option to develop two-over-two multifamily stacked homes on the property known as Dulles Technology Center and located on Dulles Technology Drive. The property is zoned PRM and is approved for the development of 460 multifamily units in two, mid-rise apartment buildings. The proposed applications would add an alternative development option of 172 two-over-two homes.

This application reduces the permitted density on the site but otherwise retains important proffer commitments, such as the extension of McNair Farms Drive linking Centreville Road to Dulles Technology Drive. The applicant has requested an expedited Board public hearing date and concurrent processing of its site plan to advance the delivery of project and public improvements.

Therefore, Supervisor Foust moved that the Board:

- Authorize expedited processing of Proffered Condition Amendment Application PCA 2017-DR-014, Conceptual Development Plan Amendment Application CDPA 2017-DR-014, and Final Development Amendment Application FDPA 2017-DR-014
- Direct staff to schedule the case for public hearing to be held before the Board on June 19, 2018
- Authorize concurrent processing of the site plan for Stanley Martin Companies, LLC, with PCA 2017-DR-014, Conceptual Development Plan Amendment Application CDPA 2017-DR-014, and Final Development Amendment Application FDPA 2017-DR-014

This motion should not be construed as a favorable recommendation by the Board of Supervisors on the proposed applications and does not relieve the applicant from

compliance with the provisions of all applicable ordinances, regulations, or adopted standards in anyway. Chairman Bulova seconded the motion and it carried by unanimous vote.

27. **NO BOARD MATTERS FOR SUPERVISOR HERRITY (SPRINGFIELD DISTRICT)** (11:52 a.m.)

Supervisor Herrity announced that he had no Board Matters to present today.

28. **NATURAL LANDSCAPING TECHNIQUES ON COUNTY AND SCHOOL PROPERTIES** (11:52 a.m.)

Supervisor Storck said that in 2005, at the direction of former Board Chairman Gerry Connolly, a Natural Landscaping Committee submitted to the Board a report for implementing natural landscaping techniques on County and public school properties. The interagency committee had representatives from the Park Authority, Department of Public Works and Environmental Services (DPWES), Urban Forestry Division, and the Facilities Management Department (FMD).

Supervisor Storck noted that creating more natural habitats of native plants and converting degraded and grassy areas to more natural habitats is one way County agencies can begin to address some of the environmental challenges the County faces and some of the goals of the recently updated Environmental Vision. These approaches provide multiple advantages:

- Reduce mowing and maintenance costs
- Reduce polluting emissions from lawn maintenance and other vehicles
- Provide support for native wildlife
- Increase the County's biodiversity
- Be outdoor classrooms for all ages, boosting scientific knowledge
- Absorb pollutants and stem stormwater runoff
- Provide other free, ecological services

Therefore, Supervisor Storck moved that the Board direct the Park Authority, DPWES, Urban Forestry Division, and FMD to come to a future Environmental Committee meeting to provide a progress report on the implementation outlined in Chairman Connolly's June 21, 2004, Board Matter. Supervisor McKay seconded the motion and it carried by unanimous vote.

29. **GROUNDBREAKING FOR BAILEY'S COMMUNITY SHELTER (MASON DISTRICT)** (11:55 a.m.)

Supervisor Gross announced that the groundbreaking for the Bailey's Community Shelter was held on April 5, 2018. She thanked staff and the community for coming together and looks forward to the ribbon cutting next year.

**DET:det**

30. **NO BOARD MATTERS FOR SUPERVISOR K. SMITH (SULLY DISTRICT)** (12:13 p.m.)

Supervisor K. Smith announced that she had no Board Matters to present today.

31. **THIRTIETH ANNUAL SPRINGFIELD DAYS (LEE DISTRICT)** (11:57 a.m.)

Supervisor McKay said he was pleased to announce that the thirtieth annual Springfield Days celebration will take place this year on the weekend of June 2-3, 2018.

A wide variety of activities will take place across Springfield as part of the celebration, most notably the Springfield 5K and Fun Run, Craft and Fun Fair, Car Show, the famous Cardboard Boat Regatta at Lake Accotink Park; and, new this year, the Taste of Springfield Festival.

Supervisor McKay noted that this is all possible due to the partnership of several local business and community organizations: American Legion Post 176, the Greater Springfield Chamber of Commerce, Metro Run and Walk, Springfield United Methodist Church, and Springfield Town Center.

Therefore, Supervisor McKay asked unanimous consent that the Board direct staff to prepare proclamations, to be jointly signed by the Chairman and the Lee District Supervisor, declaring:

- Springfield Days on June 2 and 3 and invite all residents of the County to celebrate this community event
- Springfield Days 2018 to be presented to the Springfield Days Committee at the Craft and Fun Fair on June 2

Without objection, it was so ordered.

32. **FIFTIETH ANNIVERSARY OF PINWOOD LAKE (LEE DISTRICT)** (11:59 a.m.)

Supervisor McKay announced that this year marks the fiftieth anniversary of Pinewood Lake, a community located in southern Lee District near Huntley Meadows.

This community was developed on what was once 91 acres of forestland and has now become home to thousands of residents choosing to live in approximately 550 town homes. Pinewood Lake boasts one of the most active civic associations in Lee District and remains dedicated to the betterment of the community. With a website, community meetings, and social events, Pinewood Lake is a committed and engaged community in the southeast region and is home to many informed and enthusiastic residents.

As of late, the community has played a major role in revitalization efforts, especially with the Embark Plan amendment. Lee District has also had numerous Lord and Lady Fairfax honorees come from within its borders.

Therefore, Supervisor McKay asked unanimous consent that the Board direct staff to prepare a certificate, to be jointly signed by the Chairman and the Lee District Supervisor, for presentation to the Pinewood Lake Homeowners Association outside of the boardroom. Without objection, it was so ordered.

33. **RECOGNITION OF THE COUNTY'S LEGISLATIVE STAFF AND ASSISTANT COUNTY ATTORNEY CHRIS COSTA** (12 p.m.)

Supervisor McKay recognized the County's legislative staff for its work during the last General Assembly session and announced that Chris Costa, Assistant County Attorney, was leaving, after nearly 10 years, to serve as an Administrative Law Judge for the Office of Administrative Hearings in Washington DC.

Mr. Costa has served in a variety of roles, most recently working in Richmond alongside the County's Government Relations team to protect the County's interests and work with legislators on County priorities. This year alone, 3,722 bills and resolutions were introduced by the General Assembly, 2,192 of which were bills reviewed by County operational and legal staff. Mr. Costa was integral in this effort.

Supervisor McKay noted that Mr. Costa's subject matter expertise is unrivaled and his ability to quickly review and make recommendations on bills in Richmond is both impressive and much appreciated. Supervisor McKay knows the Board will miss his sense of humor and hard work for the residents of the County.

Therefore, Supervisor McKay asked unanimous consent that the Board direct staff to prepare a certificate, to be jointly signed by the Chairman and the Lee District Supervisor, for presentation outside of the Board room. Without objection, it was so ordered.

34. **NO BOARD MATTERS FOR SUPERVISOR L. SMYTH (PROVIDENCE DISTRICT)** (12:03 p.m.)

Supervisor L. Smyth announced that she had no Board Matters to present today.

35. **RECESS/CLOSED SESSION** (12:04 p.m.)

Supervisor Gross moved that the Board recess and go into closed session for discussion and consideration of matters enumerated in Virginia Code Section (§) 2.2-3711 and listed in the agenda for this meeting as follows:

- (a) Discussion or consideration of personnel matters pursuant to Virginia Code § 2.2-3711(A) (1).
- (b) Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly-held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Virginia Code § 2.2-3711(A) (3).
- (c) Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, and consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel pursuant to Virginia Code § 2.2-3711(A) (7).
  1. *Dwain Foltz v. Fairfax County*, Case No. 1:17-cv-939 (E.D. Va.)
  2. *Mirsada Karalic-Loncarevic, by GEICO, Subrogee v. Jeffrey Dion Cox and Fairfax County*, Case No. GV17-011867 (Fx. Co. Gen. Dist. Ct.)
  3. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Marsha Harris and Barbara Bodson*, Case No. CL-2018-0003691 (Fx. Co. Cir. Ct.) (Braddock District)
  4. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Ramon A. Navorio*, Case No. CL-2017-0007129 (Fx. Co. Cir. Ct.) (Braddock District)
  5. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Kha Nguyen and Quilan Tran*, Case No. CL-2018-0000561 (Fx. Co. Cir. Ct.) (Braddock District)

6. *Board of Supervisors of Fairfax County, Virginia v. Douglas A. Cohn and Kathryn J. Cohn*; Record No. 171483 (Va. Sup. Ct.) (Dranesville District)
7. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Elizabeth Perry, Property Maintenance Code Official for Fairfax County v. Carolyn Umstott Fisher, Trustee of the Carolyn W. Umstott Revocable Trust, and Nancy Susan Umstott, Trustee of the Carolyn W. Umstott Revocable Trust*, Case No. CL-2017-0004336 (Fx. Co. Cir. Ct.) (Dranesville District)
8. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Eaton Drive, LLC*, Case No. CL-2017-0005818 (Fx. Co. Cir. Ct.) (Dranesville District)
9. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Herbert H. Becker*, Case No. CL-2017-0007128 (Fx. Co. Cir. Ct.) (Dranesville District)
10. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Morningwood Lane, LLC*, Case No. CL-2018-0004233 (Fx. Co. Cir. Ct.) (Dranesville District)
11. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Larissa Omelchenko Taran*, Case No. CL-2017-0011715 (Fx. Co. Cir. Ct.) (Hunter Mill District)
12. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Mary K. Devers, Trustee, and Kenneth R. Arnold*, Case No. CL-2017-0004536 (Fx. Co. Cir. Ct.) (Hunter Mill District)
13. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Bruce A. Blackerby*, Case No. GV18-005577 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)
14. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Juan Carlos Aranibar Chinchilla, Rossemary Jeanneth Arnez Villarroel, and A&A*

*Investment, LLC*, Case No. CL-2016-0006961 (Fx. Co. Cir. Ct.) (Lee District)

15. *Leslie B. Johnson, Fairfax County Zoning Administrator v. 8428 Richmond Highway, L.L.C.*, Case No. CL-2017-0016710 (Fx. Co. Cir. Ct.) (Lee District)
16. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Dorethea Sheppard and Jennifer M. Mangum*, Case No. CL-2018-0004432 (Fx. Co. Cir. Ct.) (Mason District)
17. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Otis Perry and Elcetia L. Perry*, Case No. CL-2008-0005923 (Fx. Co. Cir. Ct.) (Providence District)
18. *Leslie B. Johnson, Fairfax County Zoning Administrator and Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Wilfredo A. Menjivar-Belloso and Cesar A. Arias*, Case No. CL-2017-0004958 (Fx. Co. Cir. Ct.) (Providence District)
19. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Ahmad Ellini and Parvin Ellini, Trustees of the Ellini Family Trust Dated August 21, 2015*, Case No. CL-2018-0004149 (Fx. Co. Cir. Ct.) (Providence District)
20. *Leslie B. Johnson, Fairfax County Zoning Administrator and Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Nader Saghafi and Alma Saghafi*, Case No. CL-2018-0004194 (Fx. Co. Cir. Ct.) (Providence District)
21. *Leslie B. Johnson, Fairfax County Zoning Administrator v. 8621 Properties LLC*, Case No. GV18-001138 (Fx. Co. Gen. Dist. Ct.) (Providence District)
22. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Aster Dawit*, Case No. GV18-005636 (Fx. Co. Gen. Dist. Ct.) (Providence District)

23. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Heirs of Roy E. Rumsey, Roy Donald Rumsey and Juline Rumsey, Case No. CL-2017-0007426 (Fx. Co. Cir. Ct.) (Springfield District)*
24. *Board of Supervisors of Fairfax County, Virginia v. Virginia Alcoholic Beverage Control Board and Bates on Yates, LLC; Additional Party, Concerned Clifton Residents, Case No. CL-2017-0013861 (Fx. Co. Cir. Ct.) (Springfield District)*
25. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Elizabeth Perry, Property Maintenance Code Official for Fairfax County v. Yung Chi Yung, Case No. CL-2017-0004961 (Fx. Co. Cir. Ct.) (Springfield District)*
26. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Roberta Couver, Case No. CL-2011-0007717 (Fx. Co. Cir. Ct.) (Sully District)*
27. *Board of Supervisors of Fairfax County v. HANDSONREI, LLC, Case No. GV17-027803 (Fx. Co. Gen. Dist. Ct.) (Dranesville, Lee, Mount Vernon, and Providence Districts)*

Supervisor Foust seconded the motion and it carried by unanimous vote.

36. **ORDERS OF THE DAY** (12:04 p.m.)

Following input from Elizabeth Teare, County Executive, Chairman Bulova announced that the Board would immediately convene into closed session and reconvene in the Board Auditorium at 2:30 p.m.

**EBE:ebe**

At 2:30 p.m., the Board reconvened in the Board Auditorium with all Members being present, and with Chairman Bulova presiding.

**ACTIONS FROM CLOSED SESSION****37. CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION (2:30 p.m.)**

Supervisor Gross moved that the Board certify that, to the best of its knowledge, only public business matters lawfully exempted from open meeting requirements and only such public business matters as were identified in the motion by which closed session was convened were heard, discussed, or considered by the Board during the closed session. Chairman Bulova and Supervisor Foust jointly seconded the motion and it carried by unanimous vote, Supervisor Cook, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor K. Smith, Supervisor L. Smyth, Supervisor Storck, and Chairman Bulova voting "AYE."

**AGENDA ITEMS****38. 2:30 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 84-L-013-02 (ECHO, INCORPORATED) (LEE DISTRICT)****AND****2:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 2003-LE-050 (ECHO, INCORPORATED) (LEE DISTRICT) (2:31 p.m.)**

- (O) The application property is located at 7205 and 7209 Old Keene Mill Road, Springfield, 22150. Tax Map 90-1 ((1)) 39, 51, and 51B.

Mr. G. Evan Pritchard reaffirmed the validity of the affidavit for the record.

Supervisor Cook disclosed that he received a campaign contribution in excess of \$100 from:

- Mr. J. Scott Hommel, Venable, LLP

Supervisor Herrity disclosed that he received a campaign contribution in excess of \$100 from:

- Mr. J. Scott Hommel, Venable, LLP

Daniel Creed, Planner, Zoning Evaluation Division, Department of Planning and Zoning, gave a PowerPoint slide presentation depicting the application and site location.

Mr. Pritchard had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and he proceeded to present his case.

Following the public hearing, Mr. Creed presented the staff and Planning Commission recommendations.

Following a query by Supervisor McKay, Mr. Pritchard confirmed, for the record, that the applicant was in agreement with the proposed development conditions dated March 27, 2018.

Supervisor McKay moved:

- Approval of Special Exception Amendment Application SEA 84-L-013-02, subject to the development conditions dated March 27, 2018
- Approval of Proffered Condition Amendment Application PCA 2003-LE-050, subject to the execution of the proffered conditions dated April 5, 2018
- Reaffirmation of the modification of the transitional screening width and a waiver of the barrier requirement along the northern portion of the site, adjacent to Old Keene Mill Road, in favor of that shown on the Generalized Development Plan/Special Exception (GDP/SE) plat per Section 13-305 of the Zoning Ordinance (ZO)
- Reaffirmation of the modification of the transitional screening width requirement and barrier requirements along the western and southern portion of the site per Section 13-305 of the ZO, to that shown on the GDP/SE plat
- Modification of the major paved trail along Old Keene Mill Road per Section 17-201 of the ZO to the existing five-foot wide sidewalk to that shown on the GDP/SE plat
- Waiver of the four to six-foot wide bicycle lane along the Old Keene Mill Road per Paragraph 2 of Section 17-201 of the ZO

Supervisor Herrity seconded the motion and it carried by unanimous vote, Supervisor Cook, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor K. Smith, Supervisor L. Smyth, Supervisor Storck, and Chairman Bulova voting "AYE."

39. **2:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2017-SU-008 (VIGARIO MANAGEMENT CORPORATION) (SULLY DISTRICT)**  
(2:40 p.m.)

The application property is located at 13839 Lee Highway, Centreville, 20121. Tax Map 54-4 ((1)) 103 and 103B.

Mr. Keith Martin reaffirmed the validity of the affidavit for the record.

Kelly Atkinson, Planner, Zoning Evaluation Division, Department of Planning and Zoning, gave a PowerPoint slide presentation depicting the application and site location.

Mr. Martin had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and he proceeded to present his case.

Following the public hearing, Ms. Atkinson presented the staff and Planning Commission recommendations.

Following a query by Supervisor K. Smith, Mr. Martin confirmed, for the record, that the applicant was in agreement with the proposed development conditions dated March 27, 2018.

Supervisor K. Smith moved:

- Approval of Special Exception Application SE 2017-SU-008, subject to the development conditions dated March 27, 2018
- Waiver of Paragraph 2 of Section 17-201 of the Zoning Ordinance (ZO) to waive the requirement to construct a sidewalk along Lee Highway in lieu of the proposed 10 foot major regional trail as shown on the SE plat, as well as a waiver of the trail requirement along the western property line
- Waiver of Paragraph 3 of Section 17-201 of the ZO to waive the requirement to provide interparcel access to adjacent properties to the south and west
- Waiver of Paragraph 3 of Section 17-201 of the ZO to waive the requirement to construct a service drive along the property's frontage
- Modification of Paragraph 4 of Section 17-201 of the ZO to modify the requirement to provide right-of-way dedication and construct frontage improvements along Lee Highway in lieu of that shown on the SE plat

Supervisor L. Smyth seconded the motion and it carried by unanimous vote.

### **ADDITIONAL BOARD MATTER**

40. **REQUEST FOR STAFF TO HIGHLIGHT REVISIONS/UPDATES TO THE BOARD PACKAGE**

Supervisor Cook asked unanimous consent that the Board direct staff to highlight revisions/updates when made to the Board package for the Board's attention. Without objection, it was so ordered.

### **AGENDA ITEMS**

41. **BOARD RECESS** (2:45 p.m.)

Chairman Bulova announced that the Board would recess until 3 p.m. to continue the public hearing. At 3:01 p.m., the Board reconvened in the Board Auditorium with all Members being present, and with Chairman Bulova presiding.

42. **3 P.M. – PH ON THE FISCAL YEAR (FY) 2019 EFFECTIVE TAX RATE INCREASE** (3:01 p.m.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of March 8 and March 9, 2018.

Joe Mondoro, Chief Financial Officer, Department of Management and Budget, presented the staff report.

The public hearing was held and included testimony by one speaker.

Chairman Bulova announced that the record would remain open to receive testimony until April 24, 2018, to permit persons wishing to testify on this matter to provide such testimony during the forthcoming budget public hearings or to provide written comment.

43. **3 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 67.1-10-2 (SANITARY SEWERS AND SEWAGE DISPOSAL) REGARDING SEWER SERVICE CHARGES, BASE CHARGES, AVAILABILITY CHARGES, AND FIXTURE UNIT CHARGES** (3:06 p.m.)

(O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of March 9 and March 16, 2018.

Following the public hearing, Chairman Bulova announced that the record will remain open to permit persons wishing to testify on this matter to provide such testimony during the forthcoming budget public hearings or to provide written comment. Action will be taken as part of the Budget Mark-up process on April 24, 2018.

44. **3 P.M. – PH ON REZONING APPLICATION RZ 2016-MA-022 (FEDERAL REALTY INVESTMENT TRUST) (MASON DISTRICT)** (3:07 p.m.)

- (O) The application property is located in the southwest quadrant of the intersection of Arlington Boulevard and Graham Road. Tax Map 50-3 ((1)) 5 and 5A.

Mr. David Gill reaffirmed the validity of the affidavit for the record.

Heath Eddy, Planner, Zoning Evaluation Division, Department of Planning and Zoning, gave a PowerPoint slide presentation depicting the application and site location.

Mr. Gill had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and he proceeded to present his case.

Following the public hearing, Mr. Eddy presented the staff and Planning Commission recommendations.

Supervisor Gross moved:

- Approval of the Zoning Ordinance (ZO), as it applies to the property which is the subject of Rezoning Application RZ 2016-MA-022 and the associated Conceptual Development Plan by Federal Realty Investment Trust, Incorporated, be amended from the C-6 District to the PDC District subject to the proffers dated April 6, 2018
- Modification of Section 11-203 of the ZO to reduce the loading space requirement to permit two loading spaces for the multi-family building and nine loading spaces for retail/restaurant uses
- Waiver of Section 6-206.5 to permit secondary uses to exceed 50 percent of the gross floor area of all principal uses (up to 56 percent)
- Waiver of the Comprehensive Plan trail requirement for a Major Paved Trail along the Graham Road frontage for this initial phase of the redevelopment
- Waiver of the barrier requirement under Section 13-304 and modification to the transitional screening requirement under

Section 13-303 in favor of that shown on the Conceptual Development Plan/Final Development Plan (CDP/FDP) and as provided in the proffers.

Supervisor McKay seconded the motion.

Following discussion, the question was called on the motion and it carried by unanimous vote, Supervisor Cook, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor K. Smith, Supervisor L. Smyth, Supervisor Storck, and Chairman Bulova voting "AYE."

(NOTE: On April 5, 2018, the Planning Commission approved Final Development Plan Application FDP 2016-MA-022, subject to the development conditions dated March 20, 2018.)

45. **3 P.M. – PH ON REZONING APPLICATION RZ 2016-HM-035 (CRS SUNSET HILLS, LC) (HUNTER MILL DISTRICT)**

**AND**

**3 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 2009-HM-019 (CRS SUNSET HILLS, LC) (HUNTER MILL DISTRICT)**

**AND**

**3 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION/CONCEPTUAL DEVELOPMENT PLAN AMENDMENT PCA 2009-HM-019-02/CDPA 2009-HM-019 (COMSTOCK RESTON STATION HOLDINGS, LC) (HUNTER MILL DISTRICT) (3:20 p.m.)**

- (O) The application property is located on the south side of Sunset Hills Road, west of Wiehle Avenue, and the north side of Reston Station Boulevard. Tax Map 17-4 ((20)) (A) 1, 2, 3, and 4; 17-4 ((20)) (B) 5, 6, 7, and 8; 17-4 ((20)) (C) 9, 10, 11, 12, 13, and 14; 17-4 ((20)) (D) 15, 16, 17, and 18; 17-4 ((2)) (E) 19, 20, 21, and 22; 17-4 ((20)) (F) 23, 24, 25, and 26; 17-4 ((20)) (G) 27, 28, 29, and 30; 17-4 ((1)) 17A (pt.), 17B, and 20.

The application property is located in the northwest intersection of Wiehle Avenue and Reston Station Boulevard. Tax Map 17-4 ((1)) 17A.

The application property is located at south side of Reston Station Boulevard, west of Wiehle Avenue. Map 17-4 ((1)) 17A (pt.), 17L1, 17L2, and 17L3 and 17-4 ((24)) 3.

Mr. Mark Looney reaffirmed the validity of the affidavit for the record.

Supervisor Herrity disclosed that he received a campaign contribution in excess of \$100 from:

- Comstock Reston Station Holdings, LC, and Comstock Development Services, LC

Supervisor Cook disclosed that he received a campaign contribution in excess of \$100 from:

- Comstock Partners, LC

William O'Donnell, Planner V, Zoning Evaluation Division, Department of Planning and Zoning, gave a PowerPoint slide presentation depicting the application and site location.

Mr. Looney had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and he proceeded to present his case.

Supervisor Hudgins announced that she had items for the record.

Following the public hearing, Mr. O'Donnell presented the staff and Planning Commission recommendations.

Supervisor Hudgins moved:

- Approval of Proffered Condition Amendment Application PCA 2009-HM-019
- Amendment of the Zoning Ordinance (ZO), as it applies to the property which is the subject of Rezoning Application RZ 2016-HM-035 and the associated Conceptual Development Plan, be amended from the PDC and I-4 District to the PDC District, subject to the proffers dated April 4, 2018
- Modifications and waivers discussed in the staff report; a summary list of these modifications and waivers dated April 10, 2018, was distributed today and will be made a part of the record of this case:
  - Modification of Section 13-303 and Section 13-304 of the ZO for the transitional screening and barrier requirements in favor of the landscaping shown on the Conceptual Development Plan/Final Development Plan (CDP/FDP)

- Modification of Paragraph 4 of Section 17-201 of the ZO for the widening of Sunset Hills Road in favor of that shown on the CDP/FDP and in the proffers
- Modification of Public Facility Manual Standards 12-0510 4E(5) to permit a reduction of the minimum planting width requirement from eight feet to four feet as shown on the CDP/FDP and as proffered
- Modification of Section 11-203 of the ZO for the loading space requirement in favor of the loading spaces depicted on the CDP/ FDP
- Modification of the Use Limitations on Corner Lots in Section 2-505 of the ZO to permit the proposed building, landscaping, and sign locations within the ZO sight triangles formed by the streets along the corner lot as shown on the CDP/FDP and as proffered
- Approval of the Parking Reduction Request for Reston Station Promenade (2615-PKS-006-01) pursuant to Paragraph 5A of Section 11-102 of the ZO based on the proximity of a mass transit station, and subject to the conditions dated February 22, 2018, contained in Appendix 17 of the rezoning staff report and as proffered

Chairman Bulova seconded the motion and it carried by unanimous vote, Supervisor Cook, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor K. Smith, Supervisor L. Smyth, Supervisor Storck, and Chairman Bulova voting “AYE.”

Supervisor Hudgins further moved:

- Approval of Proffered Condition Amendment Application/Conceptual Development Plan Amendment (PCA/CDPA) 2009-HM-019-02/2009-HM-019, subject to the proffers dated April 4, 2018
- Modifications and waivers discussed in the staff report; a summary list of these modifications and waivers dated April 10, 2018, was distributed today and will be made a part of the record of this case:
  - Waiver of the 75 foot setback requirements for non-residential uses abutting principal arterial highways as required by Paragraph 1B of Section 2-414 of the Zoning Ordinance (ZO)

- Modification of Section 11-203 of the ZO for the loading requirement in favor of the loading spaces depicted on the Conceptual Development Plan Amendment/Final Development Plan Amendment (CDPA/FDPA)
- Modification of Sections 13-303 and 13-304 of the ZO for the transitional screening and a waiver of the barrier requirements in favor of that shown on the CDPA/FDPA
- Modification of Paragraph 4 of Section 17-201 of the ZO for the widening of Sunset Hills Road in favor of that shown on the CDPA/FDPA and in the proffers
- Approval of the Parking Reduction Request for Reston Station (6132-PKS-001-1) pursuant to Paragraph 5A of Section 11-102 of the ZO based on proximity of a mass transit station, and subject to the conditions dated February 22, 2018, contained in Appendix 15 of the rezoning staff report and as proffered

Chairman Bulova seconded the motion and it carried by unanimous vote, Supervisor Cook, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor K. Smith, Supervisor L. Smyth, Supervisor Storck, and Chairman Bulova voting “AYE.”

(NOTE: On April 5, 2018, the Planning Commission approved Final Development Plan Application FDP 2016-HM-035, subject to the development conditions dated April 4, 2018.)

46. **BOARD RECESS** (3:58 p.m.)

Chairman Bulova announced that the Board would recess until 4 p.m. to continue the public hearing. At 4:05 p.m., the Board reconvened in the Board Auditorium with all Members being present, and with Chairman Bulova presiding.

**EBE:ebe/DET:det**

47. **4 P.M. – PH ON THE COUNTY EXECUTIVE’S PROPOSED FISCAL YEAR (FY) 2019 ADVERTISED BUDGET PLAN, THE ADVERTISED CAPITAL IMPROVEMENT PROGRAM (CIP) FOR FYS 2019-2023 (WITH FUTURE FYS TO 2028) AND THE CURRENT APPROPRIATION IN THE FY 2018 REVISED BUDGET PLAN** (4:05 p.m.)

Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearings were duly advertised in that newspaper in the issues of March 23 and March 30, 2018.

Chairman Bulova announced that tonight is the first of three days of public hearings on the FY 2019 Budget as proposed by the County Executive. During the public hearings, testimony will be accepted on the FY 2019 Effective Tax Rate and also the sewer service charges (which public hearings were held earlier in the meeting).

Chairman Bulova announced that the public hearing would begin with a presentation by the School Board and called upon Jane Strauss, Chairman, Fairfax County School Board.

Ms. Strauss introduced the following members of the School Board who were present in the Board Auditorium:

- Karen Corbett Sanders, Vice-Chairman and Mount Vernon District Representative
- Ilryong Moon, Budget Vice Chairman and Member at Large
- Megan McLaughlin, Braddock District Representative
- Tamara Derenak Kaufax, Lee District Representative

Ms. Strauss also recognized Fairfax County Public Schools (FCPS) Superintendent, Dr. Scott Brabrand, and the schools' budget and finance staff.

Ms. Strauss delivered the school's annual presentation.

Chairman Bulova thanked the School Board for its presentation and commented on the partnership the Boards have experienced over the past few years following a joint retreat where priorities and efforts were discussed. She noted that One Fairfax is a result of those discussions and requires both Boards to be partners and work together to ensure that there is equitable opportunity for all residents of the County.

(4:23 p.m.)

Supervisor Herrity stated that he had received a number of inquiries regarding pay raises included in the budget that are for administrative positions. Following input from Dr. Brabrand, Ms. Strauss stated that information regarding raises would be provided in writing to all Board Members.

(4:26 p.m.)

Supervisor L. Smyth raised a question concerning the projected increase in school population and whether that would entail additional staffing, with input from Ms. Strauss and Dr. Brabrand. Supervisor McKay asked that the schools provide a formal budget Q&A on the basis used for enrollment and staffing projections.

(4:30 p.m.)

Supervisor Foust asked that the schools provide specifics on how and when it plans to address the increase in the school-age population projected in Tysons in order to relieve the burden placed on the existing surrounding elementary schools. Following comments by Ms. Strauss and Dr. Brabrand, discussion continued concerning bringing administrative centers back on-line as schools.

(4:35 p.m.)

Following additional discussion, regarding boundary challenges, academic programing in schools, and school construction, Supervisor Herrity requested information regarding busing and the number of students who are bused outside of their school boundaries.

(4:38 p.m.)

Chairman Bulova recognized Mr. Phillip Niedzielski-Eicher, a former member of the School Board and a current member of the Planning Commission from the Providence District, and warmly welcomed him to the Board Auditorium.

(4:38 p.m.)

Discussion continued, with input from Ms. Strauss and Dr. Brabrand, concerning:

- Adequate funding to support schools' security needs
- State education funding levels

Chairman Bulova thanked the School Board for its presentation then provided instructions regarding the rules of order for the meeting.

**EBE:ebe**

(5:26 p.m.)

Following the testimony of Ms. Sarah Munroe (Speaker 10), Supervisor Gross asked unanimous consent that the Board direct staff to provide the status and timeline of the masterplan for Green Spring Gardens. Without objection, it was so ordered.

(6:22 p.m.)

Following the testimony of Mr. Walter Bloomfield (Speaker 18), Supervisor McKay, recognizing the efforts of school bus drivers to provide a safe environment,

again urged the School Board to install cameras on buses to identify illegally passing cars instead of requiring bus drivers to report them.

(6:35 p.m.)

Following the testimony of Ms. Mattie Palmore (Speaker 20), Supervisor McKay announced that new domestic violence shelter units will be available in south county by the end of the year.

(6:40 p.m.)

Following the testimony of Mr. Clyde Findley (Speaker 22), Supervisor Cook asked unanimous consent that the Board direct staff to provide information concerning the ability of individuals in the hospitality industry to report suspected sex-trafficking. Without objection, it was so ordered.

(7:14 p.m.)

Following the testimony of Mr. Corey Hastings (Speaker 28), Chairman Bulova noted that a transfer tax on high value homes would require State enabling authority. Without objection, it was so ordered.

The Board heard testimony from 42 speakers.

48. **BOARD RECESS** (8:14 p.m.)

Chairman Bulova announced that the Board would recess until 1 p.m. on April 11, 2018, at which time the budget public hearings will continue regarding:

- Proposed adoption of the County Executive's Fiscal Year (FY) 2019 Advertised Budget Plan
- Capital Improvement Program for FY 2019-2023 (with future FYs to 2028)
- Current appropriation level in the FY 2019 Revised Budget Plan